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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/987,995	12/10/1997	JAMES NICHOLAS SEYMOUR	200-007711-U	6949

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PERMAN & GREEN
425 POST ROAD
FAIRFIELD, CT 064306232

EXAMINER

MEHRPOUR, NAGHMEH

ART UNIT	PAPER NUMBER
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2686

DATE MAILED: 11/20/2003

19

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
08/987,995

Applicant(s)
Symour

Examiner
Naghmeh Mehrpour

Art Unit
2686



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Mar 31, 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-19 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

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Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 12-19**, are rejected under 35 U.S.C. 103(a) as being unpatentable over Saji (US Patent Number 5,476,486) in view of Yamamoto (US Patent Number 5,327,482).

Regarding **claims 12, 19**, Saji teaches a radio telephone 1 including a rechargeable power supply 11 and having coupling means (a1, b1, a2, b2) (col 4 lines 40-61) for connecting to a charger unit 6 for charging the power supply 11, the radio telephone (col 4 lines 5-12) comprising:

sensing means 15 associated with the coupling means (a1, b1, a2 b2) and operable to sense the absence or the presence of the charging unit 1 being connected (a1 b1, b1, b2) to the charger unit 6 (col 6 lines 60-66). Saji fails to teach an inhibiting means in such a manner that when the sensing means sense absence of the charging unit the inhibiting means automatically inhibits operation of the radio telephone. However, Yamamoto teaches a radio telephone (see figure 19) comprising: an inhibiting means responsive to the means in such a manner that when the sensing means 54 senses the absence of the charging unit 200 handset (col 8 lines 49-54), if

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the handset 200 is not mounted on the charger 300, it results in the battery exhaustion, and the inhibiting means automatically inhibits operation of the radio telephone (col 8 lines 63-66). Since Saji teaches a radio telephone that detects the absence or present of charging unit 1, and Yamamoto teaches a radio telephone that when it detects the absence of the charging unit 200, it inhibits using the phone. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the above teaching of Yamamoto with Saji, in order to enable the user to protect her/his cell phone from being used in case of being stolen.

Regarding **claim 13**, Saji fails to teach a radio telephone wherein the sensor and the inhibiting means are operative for a power on mode of the radio telephone. However Yamamoto teaches a radio telephone wherein the sensor and the inhibiting means are operative for a power on mode the radio telephone (col 6 lines 44-62). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the above teaching of Yamamoto with Saji, for the purpose of making the phone unusable in case of being lost or stolen.

Regarding **claim 14**, Saji fails to teach a radio telephone wherein the inhibiting means is adapted to inhibit access to information stored in the radio telephone. Yamamoto teaches a radio telephone wherein the inhibiting means is adapted to inhibit the operation of the phone (col 8 line 63-66), therefore, Yamamoto inherently inhibit access to information stored in the radio telephone. Therefore, it would have been obvious to one of ordinary skill in the art at the time of

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the invention to combine above teaching with Yamamoto, in order to reduce the frequency overlap in a radio personal communications system.

Regarding **claim 15**, Saji fails to teach a radio telephone wherein the inhibiting means is adapted to inhibit making outgoing call from a radio telephone. Yamamoto teaches radio telephone wherein the inhibiting means is adapted to inhibit making outgoing call from a radio telephone (col 8 lines 63-66). Yamamoto teaches a system wherein, in case of the absence of the handset 200 from the charger 300 , this causes the operation of the phone is inhibited (col 8 lines 63-66), the mentioned factor makes outgoing call from the radio telephone impossible. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the above teaching of Saji with Yamamoto, in order to prevent the transceiver from transmitting at the previously selected frequency if the connection has been lost.

Regarding **claim 16**, the Saji fails to teach a radio telephone wherein further comprising a memory means for storing subscriber information wherein the inhibiting means is adapted to inhibit access to subscriber information stored in the memory means. Yamamoto inherently teaches a radio telephone wherein further comprising a memory means for storing subscriber information (col 4 lines 46-48) wherein the inhibiting means is adapted to inhibit access (col 8 lines 63-66) to subscriber information stored in the memory means (col 4 lines 46-48). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to

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combine the above teaching of Yamamoto with Saji, in order to enable the user to save a predetermined sequence (security code) of keystrokes that employs to disable some of the keys for the purpose of providing anti-theft feature.

Regarding **claim 17**, Saji teaches to teach a radio telephone 1 wherein the sensor 15 is adapted to sense a charging voltage 14 for charging the rechargeable power supply 11 of the radio telephone 1 (col 4 lines 50-67 col 5 lines 1-3).

Regarding **claim 18**, Saji fails to teach a radio telephone wherein operation of the radio telephone is restorable to a security code input to the radio telephone. Yamamoto teaches a radio telephone wherein operation of the radio telephone is restorable to a security code input to the radio telephone (col 7 lines 44-68) Yamamoto's radio telephone security code stored in the ID card. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the above teaching of Yamamoto with Saji, in order making it impossible for a theft to use the cellular phone.

Response to Arguments

4. Applicant's arguments with respect to claims 1-19 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. **Any responses to this action should be mailed to:**

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Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314, (for formal communications intended for entry)

Or:

(703) 308-6306, (for informal or draft communications, please label

“PROPOSED” or “DRAFT”)

Hand-delivered responses should be brought to Crystal Park II. 2121 Crystal Drive, Arlington. Va., sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Melody Mehrpour whose telephone number is (703) 308-7159. The examiner can normally be reached on Monday through Thursday (first week of bi-week) and Monday through Friday (second week of bi-week) from 6:30 a.m. to 5:00 p.m.

If attempt to reach the examiner are unsuccessful the examiner's supervisor, Marsha Banks-Harold be reached (703)305-4379.

NM

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Nov 14, 2003

Marsha D Banks-Harold
MARSHA D. BANKS-HAROLD
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600